

NATIONAL CAPITAL PLANNING COMMISSION

WASHINGTON, D.C. 20576

POLICIES AND PROCEDURES FOR IMPLEMENTING THE GOALS AND POLICIES OF
THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND
EXECUTIVE ORDERS 11507 AND 11514, PROTECTION AND ENHANCEMENT OF
ENVIRONMENTAL QUALITY, IN THE NATIONAL CAPITAL REGION

WHEREAS, the National Capital Planning Commission is the central planning agency for the Federal and District of Columbia Governments in the National Capital Region and is charged with planning the appropriate and orderly development and redevelopment of the National Capital.

WHEREAS, Section 4(a) of the National Capital Planning Act of 1952, as amended, charges the National Capital Planning Commission with "the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal and District developments or projects in the environs," and provides that the content of the Comprehensive Plan for the National Capital shall, among many other things, include "projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional planning."

WHEREAS, Section 1 of this Act states that "the general objective of this Act is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard

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for the rights and prerogatives of the adjoining states and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development."

WHEREAS, the Commission reviews, pursuant to Section 5 of the National Capital Planning Act of 1952, as amended, both master plans and site and building plans for District and Federal developments and projects in the Region.

WHEREAS, the Commission has had a long-standing interest and concern for improving the character and quality of Federal installations in the National Capital Region and of properly coordinating Federal developments and projects with state and local developments and projects within the Region, and has consistently recommended that the character and quality of existing Federal establishments both in the District of Columbia and the National Capital Region as a whole, be enhanced and improved.

WHEREAS, Section 2 of the National Environmental Policy Act of 1969 (Public Law 91-190) declared "a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental

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Quality," and WHEREAS, Section 102(b) requires all agencies of the Federal Government to:

"identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations."

WHEREAS, Section 1 of Executive Order 11514, "Protection and Enhancement of Environmental Quality" declares that:

"The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort," and

Section 2 of Executive Order 11514 requires, in part, that the heads of Federal agencies shall:

"(a) Monitor, evaluate, and control on a continuing basis their agency's activities so as to protect and enhance the quality of the

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environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, state and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage state and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment."

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WHEREAS, the Council on Environmental Quality has issued Interim Guidelines for Statements on Major Federal Actions Affecting the Environment Required by Section 102(2)(c) of the National Environmental Policy Act of 1969 which, among other things, provides that:

"(a) Pursuant to Section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by Section 102(2)(c) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, state and local agencies, and (5) meeting the requirements of Section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

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(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities."

WHEREAS, Executive Order 11507, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities," established the policy that "The Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources," and requires Federal agencies to "develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order."

NOW, THEREFORE, BE IT RESOLVED, THAT THE NATIONAL CAPITAL PLANNING COMMISSION ADOPTS THE FOLLOWING POLICIES AND PROCEDURES:

1. POLICIES

(a) In view of the unique Federal presence at the seat of government, a special effort should be made by the Federal, state, and local governments in the National Capital Region to implement the National Environmental Policy Act of 1969 and Executive Orders 11507 and 11514. Such a special and continuing effort in this region could well serve as a demonstration for the entire Nation. In addition, the Bicentennial celebration in 1976 could focus and highlight such an effort in this Region.

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(b) The Commission desires to cooperate with, and is prepared to assist, the Council on Environmental Quality in meeting these environmental goals and objectives in the National Capital Region in its capacity as the central planning agency for the Federal and District of Columbia Governments.

(c) The Commission will expand and intensify its current review of the environmental aspects and implications of all proposed District or Federal land acquisition and/or construction plans or programs in the National Capital Region pursuant to the National Environmental Policy Act of 1969 and Executive Orders 11507 and 11514. This continuing review will include an evaluation of the sponsoring agency's environmental statement on each such project and the Council on Environmental Quality's views, if any, on each such project.

(d) The "Interim Guidelines" issued by the Council on Environmental Quality on April 30, 1970, should be modified on page 8, Section 8, so as to specifically list the National Capital Planning Commission for consultation by Federal agencies for actions specifically affecting the environment of the National Capital Region.

(e) Inasmuch as the Comprehensive Plan for the National Capital is directly concerned with the quality of the environment in the National Capital Region, the Commission will continue and intensify its efforts to expand and refine the objectives, policies and proposals in the Comprehensive Plan relative to the protection and enhancement of the quality of the environment in the National Capital Region.

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2. "ACTIONS" INITIATED BY THE COMMISSION IN THE NATIONAL CAPITAL REGION

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190), the Commission is responsible for preparing environmental statements in the following areas:

(a) Elements of the Comprehensive Plan for the National Capital, as required by Section 4(a) of the National Capital Planning Act of 1952.

(b) Urban renewal plans, and urban renewal plan modifications, for urban renewal areas in the District of Columbia pursuant to Sections 6(b) and 12 of the District of Columbia Redevelopment Act of 1945, as amended.

(c) Acquisition of lands in Maryland or Virginia for the George Washington Memorial Parkway, in accordance with Section 1(a) of the Act of May 29, 1930 (the Capper-Cramton Act).

(d) Contributions and advances to the Maryland National Capital Park and Planning Commission, or to appropriate Virginia authorities for the acquisition of land for stream valley parks in Maryland and Virginia pursuant to Sections 1(b) and (c) of the Act of May 29, 1930 (the Capper-Cramton Act).

(e) Acquisition of lands in the District of Columbia for park, parkway, and playground purposes in the National Capital pursuant to Section 4 of the Act of May 29, 1930 (the Capper-Cramton Act).

In conjunction with carrying out these responsibilities, the Commission will:

(a) Designate the Executive Director as being responsible for:

(1) obtaining the information required for the preparation of the environmental statement and (2) preparing the environmental statements for Commission consideration,

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(b) Monitor, evaluate, and control on a continuing basis its activities so as to protect and enhance the quality of the environment in the National Capital Region,

(c) Expand its current activities in consultation with appropriate Federal, state and local agencies on matters affecting the environmental statements,

(d) Expand its current activities as a clearinghouse for information of Federal plans and programs in the National Capital Region by making such environmental statements available to the general public in the National Capital Region for review and comment prior to Commission action thereon,

(e) Consult, in the preparation of environmental statements on proposed actions of the Commission, with those Federal agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved, or which are authorized to develop and enforce environmental standards--in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969,

(f) Continue and expand its current efforts to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment" in accordance with the precept in Section 102(2)(a) of the National Environmental Policy Act of 1969,

(g) Make all such proposals, excluding proposed land acquisition and legislative matters available to the general public, in the National

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Capital Region, together with the supporting environmental statement, prior to Commission action thereon, and

(h) Encourage Federal agencies in the National Capital Region to implement Executive Order 11507 as soon as possible within the December 31, 1972 deadline established by the Order for the abatement of air and water pollution at existing Federal facilities.

3. COMMISSION REVIEW OF PROPOSED "ACTIONS" BY DISTRICT AND FEDERAL AGENCIES PURSUANT TO SECTION 5 OF THE NATIONAL CAPITAL PLANNING ACT OF 1952, AS AMENDED.

In order to expand the Commission's review of proposed District or Federal land acquisition and/or construction plans or programs in the National Capital Region, to include a review of the environmental aspects and implications of all such proposals and an evaluation of the sponsoring agency's environmental statement on each such project and the Council on Environmental Quality's views, if any, on each such project, the Commission will:

(a) Request that all future submissions by District and Federal agencies to the Commission under Section 5 of the National Capital Planning Act of 1952, as amended, include a copy of the environmental statement required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Executive Order 11514 of March 5, 1970. In addition, submissions should also include a statement indicating the extent to which all such proposals are consistent with Executive Order 11507.

(b) For any proposed "action" that does not fully meet the objectives of the National Environmental Policy Act of 1969 and Executive Order 11514, the Commission will give special attention to that portion

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of the environmental statement containing "a rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental affects..." As indicated in the Interim Guidelines of the Council on Environmental Quality, "sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects."

(c) Make a finding prior to any action upon such master plan or project plans that the proposal is or is not consistent with the National Environmental Policy Act of 1969, Executive Order 11514, the Commission's Comprehensive Plan for the National Capital and will, or will not, adversely affect the quality of the environment in the National Capital Region.

(d) Refer a copy of the sponsoring agency's environmental statement as a part of the Commission's regional referral of District or Federal master plans, or major modifications thereto, in the National Capital Region to the appropriate planning agency having jurisdiction over the affected part of the environs--in accordance with Section 5(d) of the National Capital Planning Act of 1952, as amended.

(e) Refer a copy of the sponsoring agency's environmental statement as a part of the Commission's referral of master plans, or major modifications thereto, for Federal and District facilities in the National Capital Region to the Metropolitan Washington Council of Governments--in accordance with the Commission's resolution of November 9, 1967.

(f) In its review of proposed legislation affecting the quality of the environment in the National Capital Region, the Commission will review and evaluate the draft legislation and the attached environmental statement, if any, provided by the originating Federal agency and will report thereon to either the Bureau of the Budget or the inquiring Congressional Committee.

(g) The Commission believes that the District of Columbia Government and the Federal Government should make a special effort in the National Capital Region to implement Executive Order 11507 by providing leadership in the design, operation, and maintenance of its facilities to protect and enhance the quality of our air and water resources. Although the declaration of a national environmental policy in Section 101 of the National Environmental Policy Act of 1969 would appear to include actions by the District of Columbia Government, the provisions of Sections 102 and 103, which are directed to all agencies of the Federal Government, do not apparently apply to actions of the District of Columbia Government unless Federal financial assistance is involved in individual District projects. The various activities of the various District agencies and departments do, in fact, affect the quality of the environment in both the District of Columbia and the National Capital Region as a whole. The Commission, therefore, will request that all District and Federal agencies in the National Capital Region submitting master and project plans in accordance with Section 5 of the National Capital Planning Act of 1952, as amended, submit an environmental statement with each submission for the review of the Commission.

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(h) The Commission usually reviews proposed District and Federal developments in agency budget requests, proposed site locations, preliminary site and building plans and, sometimes, at a master plan stage. It is, therefore, appropriate and necessary to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures are to be applied.

In general, as provided in the Council's Interim Guidelines, the environmental statement should be available at the earliest feasible time in the development of a program and project proposal. In any case, they should be submitted in conjunction with any proposed land acquisition or site location. In subsequent submissions of the same proposal at the preliminary site and building plan stages, copies of the environmental statement--with or without modifications--should also be submitted in order to establish whether any change or modification in the development program or the project proposal has also resulted in any modification to the environmental impact that would be caused by the proposal.

No environmental statement would be required at the time of the submission of the final site and building plans for a particular project if the Commission had previously approved the preliminary site and building plans without any qualifications or recommended further study.

(i) In regard to the Commission's review functions, the Commission understands that Section 2(b) of Executive Order 11514 regarding "the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact" is

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the responsibility of the originating agency. The Commission therefore looks to sponsoring District and Federal agencies to make such proposals, together with the environmental statement, available to the public prior to their submittal to the Commission under Section 5 of the National Capital Planning Act of 1952, as amended.